

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #10	CCRB Case #: 201804003	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/19/2018 1:30 PM	Location of Incident: 106th Precinct stationhouse	Precinct: 106	18 Mo. SOL 11/19/2019	EO SOL 11/19/2019	
Date/Time CV Reported Mon, 05/21/2018 2:18 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/21/2018 2:18 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Fortunato	27771	954820	106 PCT
2. SGT Raymond Ip	01959	938695	106 PCT
3. POF Claudia Pardo	00512	959874	106 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Raymond Ip	Abuse: Sergeant Raymond Ip forcibly removed § 87(2)(b) to the hospital	
B.POM Michael Fortunato	Abuse: Police Officer Michael Fortunato damaged § 87(2)(b)'s property.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On May 21, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone.

Prior to this incident, § 87(2)(b) had been forcibly removed to the hospital on numerous occasions by officers from the 101st Precinct. At approximately 1:15 p.m. on May 19, 2018, § 87(2)(b) traveled to the 106th Precinct stationhouse. She wanted to obtain copies of any police reports that were generated during these prior interactions. At the stationhouse, she spoke to the desk officer, Sgt. Raymond Ip. Sgt. Ip looked up the AIDED reports that were generated from § 87(2)(b) past complaints. He obtained the telephone number of § 87(2)(b) daughter § 87(2)(b) from one of the reports and called her. After speaking to § 87(2)(b) § 87(2)(b) Sgt. Ip called an ambulance to the stationhouse in order to have § 87(2)(b) removed to the hospital (**Allegation A: Abuse of Authority – Forcible removal to the hospital,** § 87(2)(g) § 87(2)(g))

§ 87(2)(b) attempted to leave the stationhouse before the ambulance arrived. She was stopped by PO Michael Fortunato and PO Claudia Pardo. § 87(2)(b) took out a pen in order to write down these two officers' names and shield numbers. After she wrote down their information, PO Fortunato allegedly took § 87(2)(b) pen and broke it by snapping it in half (**Allegation B: Abuse of Authority – Property damage,** § 87(2)(g) § 87(2)(g))

EMS arrived at the stationhouse and transported § 87(2)(b) to § 87(2)(b) as an emotionally disturbed person (EDP). She was released from the hospital later that day. § 87(2)(b) was not arrested or issued a summons.

§ 87(2)(b), § 87(2)(g), § 87(4-b)

No video footage was found for this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Raymond Ip forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) was interviewed at the CCRB on May 22, 2018 (See Board Review #01: § 87(2)(b) Statement). She stated that since 2009, she has been removed to the hospital numerous times against her will by officers from the 101st Precinct. During these incidents, she was given psychiatric examinations. She reported many of these incidents to the CCRB. On May 19, 2018, § 87(2)(b) traveled to the 106th Precinct stationhouse in order to obtain copies of police reports documenting these earlier incidents. § 87(2)(b) provided her identification to PO Alyson Wolff, the precinct's telephone switchboard operator, and asked for copies of the relevant reports from her prior removals to the hospital. PO Wolff asked § 87(2)(b) to take a seat in the waiting room. She then passed § 87(2)(b) identification over to the desk officer, Sgt.

Ip. Sgt. Ip then made a telephone call. § 87(2)(b) adult daughter, § 87(2)(b) later stated that she was the person that Sgt. Ip called, and that she had told Sgt. Ip to let § 87(2)(b) leave the stationhouse. § 87(2)(b) sat in the stationhouse's waiting room for about forty minutes. She was calm and quiet during this time. When the officers did not provide her with any reports, § 87(2)(b) walked out of the stationhouse. PO Fortunato and PO Pardo followed her out of the building and stood in her way to prevent her from walking away. They did not say anything to her. About five minutes later, an ambulance arrived at the stationhouse. PO Fortunato and PO Pardo walked her to the ambulance and loaded her inside. § 87(2)(b) not wanting to antagonize the officers, was compliant with them. She was transported to § 87(2)(b) and given a psychiatric examination. She was released from the hospital later that evening.

§ 87(2)(b) § 87(2)(b) All eight of these complaints involved officers from the 101st Precinct forcibly removing § 87(2)(b) to the hospital as an EDP. These removals are generally prompted when § 87(2)(b) adult daughters, § 87(2)(b) and § 87(2)(b) § 87(2)(b) call 911 to report that § 87(2)(b) is having a psychotic episode.

Efforts were made to obtain a statement regarding this incident from § 87(2)(b) but she did not respond to multiple contact attempts (See Board Review #03: Civilian Contact Attempts).

EMT § 87(2)(b) was interviewed at the CCRB on August 16, 2018. EMT § 87(2)(b) was interviewed on September 4, 2018 (See Board Review #04-05: EMS Statements). Both EMTs stated that they received a report over the radio of an EDP at the 106th Precinct stationhouse. When they arrived at the stationhouse, they found § 87(2)(b) outside of the building. She was arguing with PO Fortunato and PO Pardo. Both EMTs stated that PO Fortunato and PO Pardo told them that an officer had spoken to § 87(2)(b) daughter over the telephone, and that her daughter had told them that § 87(2)(b) is schizophrenic and was not taking her medication. EMT § 87(2)(b) stated that § 87(2)(b) appeared to be confused and upset and was "not fully rational." § 87(2)(b) was unable to explain to EMT § 87(2)(b) what had happened to her or why she was at the stationhouse. EMT § 87(2)(b) stated that § 87(2)(b) was agitated but did appear to be thinking rationally. Both EMTs felt that § 87(2)(b) was emotionally disturbed based on the information received from the officers as well as § 87(2)(b) agitated demeanor.

EMT § 87(2)(b) prepared a Prehospital Care Report Summary to document § 87(2)(b) removal to the hospital (See Board Review #06: Medical Records). The report stated that § 87(2)(b) was agitated and uncooperative at the stationhouse. An unidentified daughter had been contacted. The daughter stated that § 87(2)(b) is schizophrenic and had not been taking her medications. § 87(2)(b) was taken to the hospital for a psychiatric examination.

Records from § 87(2)(b) indicate that § 87(2)(b) was calm during her examination, but appeared confused and did not know why she was there. She was not anxious or agitated. § 87(2)(b) denied having any desire to harm herself and denied hearing voices. Medical personnel contacted § 87(2)(b) by telephone. § 87(2)(b) stated that § 87(2)(b)

§ 87(2)(b) is not dangerous, but often becomes “difficult” and “unreasonable.” § 87(2)(b) was released from the hospital later in the day (See Board Review #06: Medical Records).

Sgt. Ip was interviewed at the CCRB on July 26, 2018 (See Board Review #07: Sgt. Ip’s Statement). At the time of the incident, he worked as the 106th Precinct’s desk officer. § 87(2)(b) entered the stationhouse and started arguing loudly with PO Wolff at the TS operator’s desk. When Sgt. Ip went over to find out what was happening, § 87(2)(b) told him that she had filed a CCRB complaint against officers from the 101st Precinct, and that she wanted a copy of the CCRB report. Sgt. Ip told her that he did not have access to the CCRB’s records and could not provide a copy of the report. § 87(2)(b) insisted several more times that Sgt. Ip provide the report, raising her voice each time. Sgt. Ip reiterated that he did not have access to the CCRB’s files. Sgt. Ip walked away from § 87(2)(b) and resumed his duties as the desk officer. § 87(2)(b) approached several other officers in the stationhouse’s waiting area to ask them for copies of her report. These officers ignored her and walked away. Sgt. Ip decided to look up any past police reports involving § 87(2)(b) to try and find out what § 87(2)(b) complaint was. He found several AIDED reports that had been prepared for § 87(2)(b) documenting her removals to the hospital. At least one indicated that § 87(2)(b) had been removed as an EDP. This report listed her daughter § 87(2)(b) telephone number. Sgt. Ip called § 87(2)(b) who told him that § 87(2)(b) suffers from schizophrenia and has been hospitalized several times in the past. She also asked that § 87(2)(b) not be sent to § 87(2)(b) Hospital if she was hospitalized. § 87(2)(b) did not explain why she did not want § 87(2)(b) taken to that particular hospital. She did not specifically ask Sgt. Ip to have § 87(2)(b) taken to a hospital. Sgt. Ip felt that § 87(2)(b) was causing a disturbance in the stationhouse and needed to be removed. Based on the information that § 87(2)(b) provided, he decided to call an ambulance in order to have her treated as an EDP. Sgt. Ip did not feel that § 87(2)(b) posed a threat to her own safety or the safety of those around her. He was not aware of § 87(2)(b) suffering from any other medical issues besides schizophrenia. Sgt. Ip saw that PO Fortunato and PO Pardo were speaking to § 87(2)(b) in front of the stationhouse when he called for the ambulance. He did not overhear their conversation. Sgt. Ip denied going outside or speaking to § 87(2)(b) again after he called the ambulance.

PO Fortunato and PO Pardo were interviewed at the CCRB on July 27, 2018 (See Board Review #08-09: MOS Statements). Both officers stated that as they were leaving the stationhouse to go out on patrol, they observed § 87(2)(b) speaking to PO Wolff at the TS operator’s desk. Both officers spoke to § 87(2)(b) directly. She told them that she wanted to file a complaint against unspecified officers from the 101st Precinct, and that she wanted a physical copy of her report. PO Fortunato stated that § 87(2)(b) specifically told him that she had been forcibly hospitalized several times by officers from the 101st Precinct. Both officers stated that Sgt. Ip explained to them that § 87(2)(b) complaint had already been filed with the CCRB. PO Fortunato and PO Pardo attempted to explain this to § 87(2)(b) several times, but she did not appear to understand what they were telling her. Sgt. Ip then called § 87(2)(b) using a telephone number located on one of § 87(2)(b) previous AIDED reports. After this conversation, Sgt. Ip told PO Fortunato and PO Pardo that § 87(2)(b) had told him that § 87(2)(b) suffers from schizophrenia and bipolar disorder and was not taking her medications. He also stated that § 87(2)(b) had asked him to have § 87(2)(b) sent to

§ 87(2)(b) Hospital for treatment. Based on this information, as well as § 87(2)(b) refusal to listen to the officers, both PO Fortunato and PO Pardo concluded that § 87(2)(b) was emotionally disturbed and required medical treatment. PO Fortunato stated that § 87(2)(b) attempted to leave the stationhouse after Sgt. Ip called for an ambulance, leading him and PO Pardo to stop her outside. PO Pardo stated that she and PO Fortunato escorted § 87(2)(b) out of the building in order to wait there for the ambulance.

NYPD Patrol Guide procedure 221-13 states that officers may bring emotionally disturbed or mentally ill individuals into custody when they reasonably believe that they are likely to cause injury to themselves or another person (See Board Review #10: Legal Reference).

§ 87(2)(b), § 87(2)(g)
[REDACTED]

Allegation (B) Abuse of Authority: Police Officer Michael Fortunato damaged § 87(2)(b)'s property.

§ 87(2)(b) stated that she wrote down both PO Fortunato's and PO Pardo's names and shield numbers while at the stationhouse. She wrote down PO Fortunato's information while she was still inside of the stationhouse, and wrote down PO Pardo's information outside, after the EMTs arrived. After § 87(2)(b) finished writing down PO Pardo's information, PO Fortunato grabbed § 87(2)(b) pen from her hand. He then snapped the pen in half.

EMT § 87(2)(b) stated that § 87(2)(b) was holding a pen and paper while speaking to the officers outside of the stationhouse. § 87(2)(b) accused PO Fortunato of having stolen her pen. This confused EMT § 87(2)(b) as § 87(2)(b) was still holding her pen. EMT § 87(2)(b) did not recall what happened to the pen, but she believed that § 87(2)(b) put it into her pocket. She denied seeing an officer take or break § 87(2)(b) pen. She was not aware of any officer damaging any items belonging to § 87(2)(b).

EMT § 87(2)(b) did not recall seeing § 87(2)(b) holding a pen or writing anything during the incident. She did not see any officer take or break a pen belonging to § 87(2)(b). She was not aware of an officer damaging any of § 87(2)(b) belongings.

Both PO Fortunato and PO Pardo stated that before EMS arrived at the stationhouse, § 87(2)(b) asked them to provide their names and shield numbers. She took out a pen to write the information down. PO Fortunato wrote down this information for her instead. Afterwards, § 87(2)(b) continued to clutch her pen and wave it around in front of her face as she spoke. Since § 87(2)(b) had already recorded the officer's information, PO Fortunato reached out

to take the pen from her hand so that she would stop waving it around. Both officers stated that when PO Fortunato gripped the pen, § 87(2)(b) jerked it back. This caused the pen to snap in half. PO Fortunato and PO Pardo denied that PO Pardo had deliberately attempted to break the pen. They denied that any officer deliberately broke any items belonging to § 87(2)(b)

Sgt. Ip stated that he remained inside of the stationhouse after calling the ambulance for § 87(2)(b). He was not outside at the time of this allegation. Sgt. Ip denied seeing PO Fortunato take or break § 87(2)(b) pen. He was not aware of any officer damaging § 87(2)(b) belongings.

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]

§ 87(2)(b), § 87(2)(g), § 87(4-b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(b), § 87(2)(g), § 87(4-b)
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- Sgt. Ip has been a member of the service for thirteen years and has been a subject in three CCRB complaints and five allegations, of which one was substantiated:
 - 201602826 involved a substantiated allegation of entry. The Board recommended that he receive formalized training. The NYPD imposed formalized training.
- PO Fortunato has been a member of the service for five years and has been the subject of one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) [REDACTED]
- PO Pardo has been a member of the service for two years and this is the first CCRB complaint to which she has been a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on September 6, 2018. It will be included in the case file upon receipt.
- According to the Office of Court Administration, § 87(2)(b) [REDACTED] has no history of convictions in New York City (See Board Review #15: Civilian Conviction History).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date